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DEC 15 2005

MINUTES OF THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By om Deputy

Airgas Nor-Pac, Inc. v. Eggleston
Case No. A02-202 CV (JKS)

By: THE HONORABLE JAMES K. SINGLETON

Deputy Clerk: Dan Maus, Case Management: 677-6123*

PROCEEDINGS: ORDER FROM CHAMBERS

Airgas Nor-Pac, Inc., seeks reconsideration of the Court's order at Docket No. 102. Airgas argues that the Court compounded an error it made in its initial decision at Docket No. 93, for which Airgas sought reconsideration at Docket No. 96. Airgas complains that the Court continues to conflate Eggleston's promise not to compete with his separate promise not to solicit Airgas's customers. While the Court has seen those promises as in para materia, its orders denying summary judgment and granting bifurcation were not intended to foreclose Airgas from arguing its various theories to the jury, nor to anticipate what jury instructions would be appropriate or what evidence would be admissible. The Court hopes that this order clarifies the scope of the orders at Docket Nos. 102 and 93 as they might otherwise influence the parties actions regarding the admission of evidence and the selection of appropriate jury instructions. The motion for reconsideration at **Docket No. 104** is **DENIED**.

IT IS SO ORDERED.

Entered at the direction of the Honorable James K. Singleton, United States District Judge.

DATE: December 15, 2005

* ALL INQUIRIES REGARDING THE SCHEDULING OR CALENDARING OF THIS CASE SHOULD BE DIRECTED TO THE ABOVE INDICATED CASE MANAGER.

Any request for other information or for clarification, modification, or reconsideration of this Order, or for extension of time must be made in the form of a motion. See FED. R. CIV. P. 7(b)(1); D. Ak. LR 7.1(j) & 59(b). No one should telephone, fax, or write to chambers regarding pending cases. The Judge's secretary and law clerks are not permitted to discuss any aspect of this case, provide any information, or communicate with any person, including litigants, lawyers, witnesses, and the general public regarding pending cases.

A02-0202--CV (JKS)

om 12-15-05

J. BOARDMAN (PRESTON)
T. VAN FLEIN

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